



Rick Scott  
Governor

**MINUTES**  
**PUBLIC PORTION OF THE**  
**SOUTH PROBABLE CAUSE AGENDA**  
**BOARD OF MEDICINE**  
**SCHEDULED FOR February 17, 2012**

**Toll Free Number- 1-888-808-6959, Conference Code Number- 8180978700.**

Mark Avila, M.D., Chairman, called the public portion of the meeting of the Probable Cause Panel to order at 2:00 P.M. Those present for the meeting included the following:

**Members Present:**

Mark Avila, M.D. – Chairperson  
Onelia Lage, M.D. - Panel Member  
Brigitte Goersch – Panel Member  
Deborah Gerbert, P.A. – Panel Member  
Ed Tellechea, Esq. - Assistant Attorney General & Board Counsel

**Others Present included:**

Sharmin Hibbert, Assistant General Counsel  
Yolonda Green, Attorney, Department of Health  
Elana Jones, Attorney, Department of Health  
Laura Glenn, Attorney, Department of Health  
Diane Kiesling, Attorney, Department of Health  
Susan Salamy, Attorney, Department of Health  
Alicia Adams, Attorney, Department of Health  
Julie Forrester, Attorney, Department of Health

**Court Reporter: For the Record (850) 222-5491; FAX (850) 224-5316**

**Opening Remarks:**

Mr. Tellechea, Assistant Attorney General, advised the panel if they have questions concerning the medical Practice Act, Chapter 458, Chapter 456, Florida Statutes or Rules of the Board to direct those questions to him. If the panel members have questions regarding the investigation and the facts of the investigation or how the investigation was handled, those questions should be directed to the prosecuting attorney. Mr. Tellechea asked the panel what material they have been provided. Ms. Hibbert stated that the entire investigative files have been made available to the panel members and Counsel to the Board and other documents that are pertinent to the file including draft proposed administrative complaints and closing orders. Mr. Tellechea asked the panel members if they had received the materials and had sufficient time to review the materials on the agenda prior to now. The panel members answered in the affirmative.

Mr. Tellechea asked that this statement be supplied with any request for copies of transcripts. Mr. Tellechea concluded the opening remarks of the public portion of the meeting.

## **RECONSIDERATIONS**

|              |                               |                         |                             |
|--------------|-------------------------------|-------------------------|-----------------------------|
|              | <b><u>Subject Name:</u></b>   | <b><u>Case No.:</u></b> | <b><u>Action Taken:</u></b> |
| <b>RN-01</b> | <b>Egbert J. Serrao, M.D.</b> | <b>2009-22018</b>       | <b>Dismissed</b>            |

Prosecution Services presented this case involving an alleged violation of 456.072(1)(bb), Florida Statutes, by performing a wrong-site procedure, wrong procedure, unauthorized procedure, and or procedure that was medically unnecessary. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Respondent's explanation of the circumstances involved in the incident and the Respondent's expert opinion. The Department believed they no longer had clear and convincing evidence to prove Respondent performed or attempted to perform an unnecessary procedure. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

**Action taken:** the panel voted the dismiss the case

|              |                           |                   |                  |
|--------------|---------------------------|-------------------|------------------|
| <b>RN-02</b> | <b>Silvia Nunez, D.N.</b> | <b>2010-16223</b> | <b>Dismissed</b> |
|--------------|---------------------------|-------------------|------------------|

Prosecution Services presented this case involving an alleged violation of 468.518(2), F.S., involving a violation of 456.072(1), F.S. for violating a lawful order of the department or the board. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Respondent completing the late CME courses which resulted in the Final Order, as well as, all CME's for the current renewal period. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

**Action taken:** the panel voted the dismiss the case

|              |                                 |                   |                 |
|--------------|---------------------------------|-------------------|-----------------|
| <b>RN-03</b> | <b>Christopher Carter, M.D.</b> | <b>2010-14798</b> | <b>Approved</b> |
|--------------|---------------------------------|-------------------|-----------------|

This case was previously brought before the Probable Cause South on July 8, 2011 as a one count Administrative Complaint alleging a violation of 456.072(1)(c), F.S., involving being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, crimes in any jurisdiction which relate to the practice of medicine or to the ability to practice medicine. This case was brought back before the panel for reconsideration to amend the original AC to remove certain paragraphs to allow for easier prosecution of the case and correct certain typographical errors. The panel discussed the circumstances of the case and amended of the AC.

After discussion a motion was made, seconded and carried unanimously to amend the AC.

**Action taken:** the panel voted to amend the Administrative Complaint

|              |                                |                   |                  |
|--------------|--------------------------------|-------------------|------------------|
| <b>RN-04</b> | <b>Wille-Ebert Andre, P.A.</b> | <b>2010-04294</b> | <b>Dismissed</b> |
|--------------|--------------------------------|-------------------|------------------|

Prosecution Services presented this case involving an alleged violation of 458.347(7)(d), F.S., by failing to complete 100 hours of continuing medical education or hold a current certificate issued by the National Commission on Certification of Physician Assistants for the February 1, 2008, through January 31, 2010 (2008-2010), renewal period. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon a subsequent review of the investigative file and

records by the Department, who finds that violation of the practice act could be substantiated. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

**Action taken:** the panel voted to dismiss the case

The public portion of the meeting adjourned at 2:40 p.m.